

SENATE BILL 4064

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 47,
relative to data retention by cellular
communication service providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 19, is amended by
adding a new section thereto:

§ 47-18-1906.

(a) For purposes of this section, unless the context otherwise requires:

(1) "Cellular telephone communication" means data communication other
than voice received by a cellular device that provides for voice communication
and for data communication other than by voice;

(2) "Service year" means one (1) year from the date cellular
communication service began as indicated in a written contract for such service;

(3) "User" means any person or entity who:

(A) Uses a cellular communication service; and

(B) Is duly authorized by the provider of such service to engage in
such use.

(b) Each service year a user may make one (1) request that the user's cellular
communication service provider preserve cellular telephone communications and other
evidence in its possession that was received on the user's cellular device which was
purchased or leased for the purpose of receiving such communications. Upon such
request, a provider of cellular communication service shall take all necessary steps to
preserve the cellular telephone communications for fourteen (14) days after such
request and shall provide notice to the user two (2) days prior to the end of such

fourteen (14) day period that the cellular telephone communications will no longer be preserved.

(c) Nothing in this section shall be construed as preventing or prohibiting the provider's compliance with the provisions of 18 U.S.C. § 2703(f), but shall be a duty imposed in addition to any requirements under existing federal or state law.

(d) A provider's violation of subsection (b) constitutes an unfair or deceptive act or practice under § 47-18-104(a).

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following new, appropriately numbered subdivision:

() Violating the provisions of § 47-18-1906.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.